



भारत का राजपत्र

The Gazette of India

विशेष

EXTRAORDINARY

भाग II—संख्या 2

PART II—Section 2

प्रारंभिकार से प्रकाशित

PUBLISHED BY AUTHORITY

वं. 57] नई दिल्ली, बृहत्पतिवार, नवम्बर 10, 1966/कार्तिक, 19, 1888
No. 57] NEW DELHI, THURSDAY, NOVEMBER 10, 1966/KARTIKA 19, 1888

इस भाग में विशेष पृष्ठ संख्या दो जाते हैं जिससे कि यह प्रलग सकलस क रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as
a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 10th November, 1966:—

BILL NO. XXIII OF 1966

A Bill to declare the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh, to be an institution of national importance and to provide for its incorporation and matters connected therewith.

Be it enacted by Parliament in the Seventeenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966. Short title and commencement.
(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration of Post-Graduate Institute of Medical Education and Research, Chandigarh, as an institution of national importance.

2. Whereas the objects of the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh in the Union territory of Chandigarh are such as to make the institution one of national importance, it is hereby declared that the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh is an institution of national importance.

Definitions.

3. In this Act, unless the context otherwise requires,—

(a) "Fund" means the Fund of the Institute referred to in section 16;

(b) "Governing Body" means the Governing Body of the Institute;

(c) "Institute" means the institution known as the Post-Graduate Institute of Medical Education and Research, Chandigarh, incorporated under this Act;

(d) "member" means a member of the Institute;

(e) "regulation" means a regulation made by the Institute;

(f) "rule" means a rule made by the Central Government.

Incorporation of Institute.

4. The Post-Graduate Institute of Medical Education and Research, Chandigarh, is hereby constituted a body corporate by the name aforesaid and as such body corporate, it shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall, by that name, sue and be sued.

Composition of Institute.

5. The Institute shall consist of the following members, namely:—

(a) the Vice-Chancellor of the Punjab University, *ex officio*;

(b) the Director-General of Health Services, Government of India, *ex officio*;

(c) the Director of the Institute, *ex officio*;

(d) three representatives of the Central Government to be nominated by that Government, one each from the Ministry of

Finance, Ministry of Education and Ministry of Health and Family Planning;

(e) seven persons of whom one shall be a non-medical scientist representing the Indian Science Congress Association, to be nominated by the Central Government;

(f) four representatives of the medical faculties of Indian Universities to be nominated by the Central Government in the manner prescribed by rules; and

(g) three members of Parliament of whom two shall be elected from among themselves by the members of the House of the People (Lok Sabha) and one from among themselves by the members of the Council of States (Rajya Sabha).

6. (1) Save as otherwise provided in this section, the term of office of a member shall be five years from the date of his nomination of election.

Term of office of, and vacancies among, members.

(2) The term of office of a member elected under clause (a) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(3) The term of office of an *ex officio* member shall continue so long as he holds the office by virtue of which he is such a member.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he is nominated or elected.

(5) An out-going member other than a member elected under clause (g) of section 5 shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

(6) An out-going member shall be eligible for re-nomination or re-election.

(7) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

(8) The manner of filling vacancies among members shall be such as may be prescribed by rules.

7. (1) There shall be a President of the Institute who shall be nominated by the Central Government from among the members other than the Director of the Institute.

President of Institute.

(2) The President shall exercise such powers and discharge such functions as are laid down in this Act or as may be prescribed by rules or regulations.

Allow-
ances of
President
and
members.

8. The President and other members shall receive such allowances, if any, from the Institute as may be prescribed by rules.

Meetings
of

9. The Institute shall hold its first meeting at such time and place as may be appointed by the Central Government and shall observe such rules of procedure in regard to the transaction of business at the first meeting as may be laid down by that Government; and thereafter the Institute shall meet at such times and places and observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed by regulations.

Governing
Body and
other
Institute.
commit-
tees of

10. (1) There shall be a Governing Body of the Institute which shall be constituted by the Institute in such manner as may be prescribed by regulations:

Provided that the number of persons who are not members of the Institute shall not exceed one-third of the total membership of the Governing Body.

(2) The Governing Body shall be the executive committee of the Institute and shall exercise such powers and discharge such functions as the Institute may, by regulations made in this behalf, confer or impose upon it.

(3) The President of the Institute shall be the Chairman of the Governing Body and as Chairman thereof shall exercise such powers and discharge such functions as may be prescribed by regulations.

(4) The procedure to be followed in the exercise of its powers and discharge of its functions by the Governing Body, and the term of office of, and the manner of filling vacancies among, the members of the Governing Body shall be such as may be prescribed by regulations.

(5) Subject to such control and restrictions as may be prescribed by rules, the Institute may constitute as many standing committees and as many *ad hoc* committees as it thinks fit for exercising any power or discharging any function of the Institute or for inquiring into, or reporting or advising upon, any matter which the Institute may refer to them.

(6) The Chairman and members of the Governing Body and the Chairman and members of a standing committee or an *ad hoc* committee shall receive such allowances, if any, as may be prescribed by regulations.

11. (1) There shall be a chief executive officer of the Institute who shall be designated as the Director of the Institute and shall, subject to such rules as may be made by the Central Government in this behalf, be appointed by the Institute: Staff of Institute.

Provided that the first Director of the Institute shall be appointed by the Central Government.

(2) The Director shall act as the Secretary to the Institute as well as the Governing Body.

(3) The Director shall exercise such powers and discharge such functions as may be prescribed by regulations or as may be delegated to him by the Institute or the President of the Institute or by the Governing Body or the Chairman of the Governing Body.

(4) Subject to such rules as may be made by the Central Government in this behalf, the Institute may appoint such number of other officers and employees as may be necessary for the exercise of its powers and discharge of its functions and may determine the designations and grades of such other officers and employees.

(5) Subject to such rules as may be made by the Central Government in this behalf, the Director and other officers and employees of the Institute shall be entitled to such salary and allowances and shall be governed by such conditions of service in respect of leave, pension, provident fund and other matters as may be prescribed by regulations made in this behalf.

12. The objects of the Institute shall be--

Objects of Institute.

(a) to develop patterns of teaching in undergraduate and post-graduate medical education in all its branches so as to demonstrate a high standard of medical education;

(b) to bring together, as far as may be, in one place educational facilities of the highest order for the training of personnel in all important branches of health activity; and

(c) to attain self-sufficiency in post-graduate medical education to meet the country's needs for specialists and medical teachers.

Functions
of
Institute.

13. With a view to the promotion of the objects specified in section 12, the Institute may—

- (a) provide for undergraduate and post-graduate teaching in the science of modern medicine and other allied sciences, including physical and biological sciences;
- (b) provide facilities for research in the various branches of such sciences;
- (c) provide for the teaching of humanities;
- (d) conduct experiments in new methods of medical education, both undergraduate and post-graduate, in order to arrive at satisfactory standards of such education;
- (e) prescribe courses and curricula for both undergraduate and post-graduate studies;
- (f) notwithstanding anything contained in any other law for the time being in force, establish and maintain—
 - (i) one or more medical colleges with different departments, including a department of preventive and social medicine, sufficiently staffed and equipped to undertake not only undergraduate medical education but also post-graduate medical education in different subjects,
 - (ii) one or more well-equipped hospitals,
 - (iii) a dental college with such institutional facilities for the practice of dentistry and for the practical training of students as may be necessary,
 - (iv) a nursing college sufficiently staffed and equipped for the training of nurses,
 - (v) rural and urban health organisations which will form centres for the field training of the medical, dental and nursing students of the Institute as well as for research into community health problems, and
 - (vi) other institutions for the training of different types of health workers, such as physiotherapists, occupational therapists, pharmacists, drug analysts and medical technicians of various kinds;
- (g) train teachers for the different medical colleges in India;
- (h) hold examinations and grant such degrees, diplomas and other academic distinctions and titles in undergraduate and

post-graduate medical education as may be laid down in the regulations;

(i) institute, and appoint persons to, professorships, readerships, lecturerships and posts of any description in accordance with regulations;

(j) receive grants from the Government and gifts, donations, benefactions, bequests and transfers of properties, both movable and immovable, from donors, benefactors, testators or transferors, as the case may be;

(k) deal with any property belonging to, or vested in, the Institute in any manner which is considered necessary for promoting the objects specified in section 12;

(l) demand and receive such fees and other charges as may be prescribed by regulations;

(m) do all such other acts and things as may be necessary to further the objects specified in section 12.

14. The properties of the Institute which had, by virtue of the ^{Vesting of} ~~31 of 1968.~~ Punjab Reorganisation Act, 1966, vested in the Central Government, ^{property.} shall, on the commencement of this Act, vest in the Institute.

15. The Central Government may, after due appropriation made ^{Payment} by Parliament by law in this behalf, pay to the Institute in each ^{to} financial year such sums of money and in such manner as may be ^{Institute.} considered necessary by that Government for the exercise of its powers and discharge of its functions under this Act.

16. (1) The Institute shall maintain a Fund to which shall be ^{Fund of} credited— ^{Institute.}

(a) all moneys provided by the Central Government;

(b) all fees and other charges received by the Institute;

(c) all moneys received by the Institute by way of grants, gifts, donations, benefactions, bequests or transfers; and

(d) all moneys received by the Institute in any other manner or from any other source.

(2) All moneys credited to the Fund shall be deposited in such banks or invested in such manner as the Institute may, with the approval of the Central Government, decide.

(3) The Fund shall be applied towards meeting the expenses of the Institute including expenses incurred in the exercise of its powers and discharge of its functions under section 13.

Budget of institute 17. The Institute shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Institute and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Accounts and audit. 18. (1) The Institute shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribe, and in accordance with such general directions as may be issued by that Government, in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Institute shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Institute to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Institute shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the offices of the Institute as well as of the institutions established and maintained by it.

(4) The accounts of the Institute as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before both Houses of Parliament.

Annual report. 19. The Institute shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules and a copy of this report shall be laid before both Houses of Parliament within one month of its receipt.

20. (1) The Institute shall constitute for the benefit of its officers, teachers and other employees in such manner and subject to such conditions as may be prescribed by regulations, such pension and provident funds as it may deem fit.

Pension and provident funds.

19 of 1925. (2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

21. All orders and decisions of the Institute shall be authenticated by the signature of the President or any other member authorised by the Institute in this behalf and all other instruments shall be authenticated by the signature of the Director or any other officer of the Institute authorised in like manner in this behalf.

Authentication of orders and instruments of Institute.

22. No act done or proceeding taken by the Institute, Governing Body or any standing or *ad hoc* committee under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Institute, Governing Body or such standing or *ad hoc* committee.

Acts and proceedings not to be invalidated by vacancies, etc.

23. Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant medical degrees, diplomas and other academic distinctions and titles under this Act.

Grant of medical degrees, diplomas, etc., by Institute.

102 of 1956. 24. Notwithstanding anything contained in the Indian Medical Council Act, 1956, the medical degrees and diplomas granted by the Institute under this Act shall be recognised medical qualifications for the purposes of that Act and shall be deemed to be included in the First Schedule to that Act.

Recognition of medical qualifications granted by Institute.

25. The Institute shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act.

Control by Central Government.

26. If in, or in connection with, the exercise of its powers and discharge of its functions by the Institute under this Act, any dispute arises between the Institute and the Central Government, the decision of the Central Government on such dispute shall be final.

Disputes between Institute and Central Government.

Returns and information.

27. The Institute shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

Transfer of service of existing employees.

28. Subject to the provisions of this Act, every person who is employed in the Post-Graduate Institute of Medical Education and Research, Chandigarh, immediately before the commencement of this Act shall, on and from such commencement, become an employee of the Institute and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held the same on the date of commencement of this Act if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by regulations:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

Continuance of facilities at Institute.

29. The Institute shall continue to provide facilities to the Governments of the States of Haryana and Punjab and the Central Government in relation to the Union territories of Chandigarh and Himachal Pradesh and the people of the States and territories aforesaid and such facilities shall not, in any respect be less favourable to such Governments and people than what were being provided to them before the 1st day of November, 1966 and shall be made available for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute, Governments of the States of Haryana and Punjab and the Central Government before the 1st day of April, 1967, or if no agreement is reached by the said date, as may be fixed by order of the Central Government.

Power to remove difficulties.

30. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, within a period of three years from the commencement of this Act, by order published in the Official Gazette, make such provision or give such directions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

31. (1) The Central Government, after consultation with the Institute, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:—

Provided that consultation with the Institute shall not be necessary on the first occasion of the making of rules under this section, but the Central Government shall take into consideration any suggestions which the Institute may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of nomination of members under clause (f) of section 5;

(b) the control and restrictions in relation to the constitution of standing and *ad hoc* committees under sub-section (5) of section 10;

(c) the conditions of service of, the procedure to be followed by, and the manner of filling vacancies among, members of the Institute;

(d) the powers and functions to be exercised and discharged by the President of the Institute;

(e) the allowances, if any, to be paid to the President and other members of the Institute;

(f) the number of officers and employees that may be appointed by the Institute and the manner of such appointment;

(g) the form in which, and the time at which, the budgets and reports shall be prepared by the Institute and the number of copies thereof to be forwarded to the Central Government;

(h) the form and manner in which returns and information are to be furnished by the Institute to the Central Government;

(i) any other matter which has to be or may be prescribed by rules.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or

both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power
to make
regula-
tions

32. (1) The Institute may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

- (a) the summoning and holding of meetings, other than the first meeting, of the Institute, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of members necessary to form a quorum;
- (b) the manner of constituting the Governing Body and standing and *ad hoc* committees, the term of office of, and the manner of filling vacancies among, the members of, the Governing Body and standing and *ad hoc* committees;
- (c) the powers and functions to be exercised and discharged by the President of the Institute and the Chairman of the Governing Body;
- (d) the allowances, if any, to be paid to the Chairman and the members of the Governing Body and of standing and *ad hoc* committees;
- (e) the procedure to be followed by the Governing Body and standing and *ad hoc* committees in the conduct of their business, exercise of their powers and discharge of their functions;
- (f) the tenure of office, salaries and allowances and other conditions of service of the Director and other officers and employees of the Institute including teachers appointed by the Institute;
- (g) the powers and duties of the Chairman of the Governing Body;
- (h) the powers and duties of the Director and other officers and employees of the Institute;
- (i) the management of the properties of the Institute;
- (j) the degrees, diplomas and other academic distinctions and titles which may be granted by the Institute;

(k) the professorships, readerships, lecturerships and other posts which may be instituted and persons who may be appointed to such professorships, readerships, lecturerships and other posts;

(l) the fees and other charges which may be demanded and received by the Institute;

(m) the manner in which, and the conditions subject to which, pension and provident funds may be constituted for the benefit of officers, teachers and other employees of the Institute;

(n) any other matter for which under this Act provisions may be made by regulations.

(2) Notwithstanding anything contained in sub-section (1), the first regulations under this Act shall be made by the Central Government; and any regulations so made may be altered or rescinded by the Institute in exercise of its powers under sub-section (1).

STATEMENT OF OBJECTS AND REASONS

The Post-Graduate Institute of Medical Education and Research, Chandigarh, was begun by the Punjab Government in 1963. On the reorganisation of the erstwhile Punjab State with effect from the 1st November, 1966, the Institute has vested in the Central Government. It is proposed to make the Institute a statutory body corporate and declare it as an institution of national importance under entry 64 of List I of the Seventh Schedule to the Constitution of India so that it may develop as a high level institution of medical education and research on the pattern of the All India Institute of Medical Sciences, New Delhi.

The Bill is intended to achieve the above object.

NEW DELHI;

SUSHILA NAYAR.

The 3rd November, 1966.

FINANCIAL MEMORANDUM

Clause 15 of the Bill provides for giving grants to the Institute after due appropriation made by Parliament by law in this behalf. At the current level of activity the recurring annual grant-in-aid payable by the Central Government to the Institute is estimated to be Rs. 80 lakhs. For the period from the 1st November, 1966 to the 31st March, 1967, a budget provision for a grant-in-aid of Rs. 50 lakhs will be required. The actual amount of grant-in-aid payable by the Central Government to the Institute for the remaining part of the current financial year will depend on the date on which it becomes a body corporate.

In order to meet the requirements of section 77 of the Punjab Reorganisation Act, 1966, clause 29 of the Bill provides that the Institute shall provide facilities to the Governments of the States of Haryana and Punjab and the Central Government in relation to the Union territories of Chandigarh and Himachal Pradesh, and the people of the States and territories as aforesaid which shall not, in any respect, be less favourable to such Governments and people than what were being provided to them before the 1st day of November, 1966, for such period and upon such terms and conditions (including those relating to any contributions to be made for the provision of such facilities) as may be agreed upon between the Institute, Governments of the said States and Central Government before the 1st day of April, 1967 or if no agreement is reached by the said date, as may be fixed by order of the Central Government. So far as the Central Government is concerned this requirement will be met by the grant-in-aid given under clause 15 as aforesaid.

In the financial settlement with the States of Punjab and Haryana due note will be taken of the financial liability being taken over by the Central Government in respect of the Institute under clause 15 of the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 31 of the Bill empowers the Central Government to make, after consultation with the Institute, rules by notification in the Official Gazette to carry out the purposes of the Act. The matters in respect of which such rules may be made are specified therein. These matters relate to the manner of nomination of representatives of the medical faculties of the Indian Universities as members of the Institute, control and restrictions in relation to the constitution of standing and *ad hoc* committees, conditions of service of members of the Institute etc.

2. Clause 32 of the Bill empowers the Institute to make, with the previous approval of the Central Government, regulations consistent with the provisions of this Act and the rules made thereunder. The matters in respect of which such regulations may be made are specified therein. These matters relate to the procedure for conducting business at meetings other than the first meeting of the Institute, the manner of constituting the Governing Body and standing and *ad hoc* committees, powers and functions of the President of the Institute and Chairman of the Governing Body, etc.

3. The matters in respect of which rules and regulations may be made are matters of administrative detail and procedure and as such the delegation of legislative power is of a normal character.

B. N. BANERJEE,
Secretary.